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Attorneys for Defendant
JACQUELINE A. MARATI

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HOOLAE PAOA,)	Civil No. CV 07-00370 JMS LEK
)	(Other Non-Vehicle Tort)
Plaintiff,)	
vs.)	DEFENDANT JACQUELINE
)	MARATI'S SCHEDULING
JACQUELINE A. MARATI,)	CONFERENCE STATEMENT;
LINA'LA SIN CASINO, and DOES)	CERTIFICATE OF SERVICE
1-10,)	
)	<u>Rule 16 Scheduling Conference:</u>
Defendants.)	Date: October 15, 2007
)	Time: 9:00 a.m.
)	Judge: Hon. Leslie E. Kobayashi

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DEFENDANT JACQUELINE MARATI'S
SCHEDULING CONFERENCE STATEMENT

Defendant JACQUELINE MARTI, by and through her attorneys, Fukunaga Matayoshi Herhsey & Ching, submits this scheduling conference statement pursuant to Rule 16 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") and Rule 16.2 of the Rules of the United States District Court for the District of Hawaii ("LR") .

I. NATURE OF THE CASE

The instant action arises out of a Complaint, filed on August 4, 2006 by Plaintiff Hoolae Paoa ("Plaintiff"). The Complaint was filed in the Circuit Court of the First Circuit. In his Complaint, Plaintiff alleges that a Press Release written by Jacqueline A. Marati ("Marati") contained false and defamatory information about him. Plaintiff further alleges that the information was disseminated to and received by persons in the State of Hawaii.

Defendant Marati is a member of Lina'la Sin Casino ("Life without Casinos") (hereafter "Lina'la"), a Guam non-profit organization which lobbies, campaigns and opposes attempts to legalize gaming on Guam. Marati and other Lina'la members, all Guam residents, successfully organized and campaigned in the 2004 Guam general election to defeat an initiative to legalize casino gambling

in Guam.

In July 2006, certain individuals began to collect signatures of registered Guam voters in order to certify an initiative for the November 2006 election ballot in Guam. The initiative, as proposed would legalize the operation of slot machines in a facility known as the Guam Greyhound. After learning of this campaign, Lina'la began to investigate the backgrounds of the initiative organizers.

On July 31, 2006, Lina'la issued a Press Release written by Marati which discussed the background and history of the new owners of Guam Greyhound and the proponents of the initiative, including Plaintiff Hoolae Paoa ("Plaintiff"). Lina'la sent the Press Release to several Guam news organizations. Excerpts of the Press Release were published in early August 2006 in Guam media.

Defendant Marati denies any wrong doing. Furthermore, the statements made with regard to Plaintiff were true.

II. STATEMENT OF JURISDICTION/VENUE

Jurisdiction is based upon diversity of citizenship, 28. U.S. C. 1332.

Defendant Marati disputes that venue is proper. The press release which is the subject of this lawsuit described events that took place in Guam, are

of concern to Guam and was drafted and released in Guam. As such, the majority, if not all of the witnesses are in Guam. Defendant is also a citizen of Guam. Moreover, Plaintiff has already admitted in his answers to interrogatories, that he currently lives in Saipan. Accordingly, pursuant to 28 U.S.C. § 1391 (c) venue is proper in the territory of Guam.

III. JURY TRIAL AND DEMAND

Plaintiff has demanded a jury trial in his initial Complaint, filed on August 4, 2006.

IV. DISCLOSURES

Pursuant to Rule 26(f) of the Fed. R. Civ. P., a meeting was held on September 20, 2007. Counsel for Plaintiff and Defendant Marati attended. The parties agreed that the information required by Rule 26(a)(1) of the Fed. R. Civ. P. and LR 26.1 will be exchanged within 30 days of the report filed herein on September 25, 2007.

V. DISCOVERY/MOTIONS

The parties conducted limited discovery prior to the removal of the instant action. There are no pending discovery requests or motions.

VI. Special Procedures/Other Matters.

No special procedures are requested at this time.

VII. Related Cases.

There are two related cases pending in Guam.

Guam Greyhound and John Baldwin v. Jacqueline A. Marati, Civil No. 0959-06 (Superior Court of Guam). In this case, Plaintiffs sued Marati alleging virtually identical causes of action as those asserted by Hoolae Paoa, which were based upon the same press release issued by Marati in Guam. Marati filed a motion to dismiss for failure to state a claim upon which relief may be granted based upon Guam's anti-SLAPP statute. Guam's anti-SLAPP statute immunizes Marati from liability as her speech was protected under the statute.

Guam Greyhound and John Baldwin v. Dorothy Brizill, Civil No. 0960-06 (Superior Court of Guam). In this case, Plaintiffs sued Dorothy Brizill, head of DC Watch, a community watch group for defamation and libel based on her comments regarding the slot machine gambling initiative in Guam and based upon the press release that was issued by Marati. Brizill's motion to dismiss was also based upon the Guam anti-SLAPP statute and was granted by the trial court judge.

VIII. ADDITIONAL MATTERS

There are no additional matters at this time.

DATED: Honolulu, Hawaii, October 8, 2007.

/s/ Laura A. Kuioka

LESLIE R. KOP

LAURA A. KUIOKA

Attorneys for Defendant

JACQUELINE MARATI

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1-10,)	
)	
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was duly served on the following persons at their last known addresses.

Served Electronically through CM/ECF:

BRUCE D. VOSS, ESQ.
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October 8, 2007

Attorneys for Plaintiff

DATED: Honolulu, Hawaii, October 8, 2007.

/s/ Laura A. Kuioka

LESLIE R. KOP

LAURA A. KUIOKA

Attorneys for Defendant

Jacqueline A. Marati